

## ORDER

APPLICATION 1300PERMIT 1360LICENSE 2302ORDER ALLOWING CHANGE IN POINT OF DIVERSION  
AND PLACE OF USE

WHEREAS License 2302 was issued to Andrew, Lester and Milton Babcock and Homer Jack and was filed with the County Recorder of Lassen County on October 20, 1941, and

WHEREAS said license was subsequently assigned to Homer C. Jack, Oral Babcock, H. W. Killebrew and Richard Keene, and

WHEREAS the State Water Rights Board has found that the change in point of diversion and place of use under said license for which petitions were submitted on February 15, 1963, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said changes and has directed that an order be issued to describe said changes in accordance with said petitions;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said License 2302 to points of diversion described as follows, to wit:

- (1) POINT OF DIVERSION TO STORAGE - SOUTH 750 FEET AND WEST 270 FEET FROM CENTER OF SECTION 10, T36N, R9E, MDB&M, BEING WITHIN NE $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SAID SECTION 10.
- (2) SOUTH 47° 38' WEST, 1840 FEET FROM NE CORNER OF SECTION 30, T37N, R9E, MDB&M, BEING WITHIN NW $\frac{1}{4}$  OF NE $\frac{1}{4}$  OF SAID SECTION 30.

POINTS OF REDIVERSION

- (1) NORTH 63° 18' EAST, 1142 FEET FROM W $\frac{1}{4}$  CORNER OF SECTION 1, T37N, R8E, MDB&M, BEING WITHIN SW $\frac{1}{4}$  OF NW $\frac{1}{4}$  OF SAID SECTION 1.

## ORDER

1360 PERMIT

37.0	ACRES	IN	N $\frac{1}{2}$ OF	SE $\frac{1}{4}$ OF	SECTION 12,	T $38$ N,	R $7$ E,	M $DB\&M$
34.0	ACRES	IN	N $\frac{1}{2}$ OF	SE $\frac{1}{4}$ OF	SECTION 12,	T $38$ N,	R $7$ E,	M $DB\&M$
34.0	ACRES	IN	N $\frac{1}{2}$ OF	SW $\frac{1}{4}$ OF	SECTION 12,	T $38$ N,	R $7$ E,	M $DB\&M$
40.0	ACRES	IN	N $\frac{1}{2}$ OF	SE $\frac{1}{4}$ OF	SECTION 13,	T $38$ N,	R $7$ E,	M $DB\&M$
40.0	ACRES	IN	N $\frac{1}{2}$ OF	SW $\frac{1}{4}$ OF	SECTION 13,	T $38$ N,	R $7$ E,	M $DB\&M$
40.0	ACRES	IN	N $\frac{1}{2}$ OF	SE $\frac{1}{4}$ OF	SECTION 13,	T $38$ N,	R $7$ E,	M $DB\&M$
40.0	ACRES	IN	N $\frac{1}{2}$ OF	SW $\frac{1}{4}$ OF	SECTION 13,	T $38$ N,	R $7$ E,	M $DB\&M$

# STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

## ORDER

APPLICATION 1300

PERMIT 1360

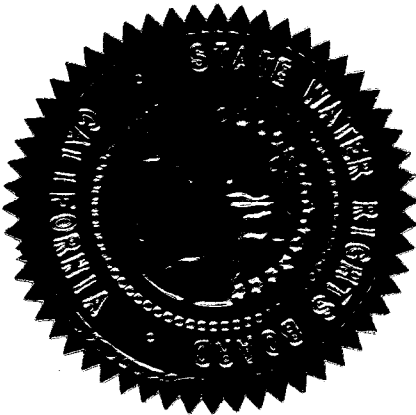
LICENSE 2302

40.0 ACRES IN SE $\frac{1}{4}$  OF NE $\frac{1}{4}$  OF SECTION 13, T38N, R7E, MDB&M  
 40.0 ACRES IN NE $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SECTION 13, T38N, R7E, MDB&M  
 40.0 ACRES IN NW $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SECTION 13, T38N, R7E, MDB&M  
 40.0 ACRES IN NE $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SECTION 13, T38N, R7E, MDB&M  
 40.0 ACRES IN NW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SECTION 13, T38N, R7E, MDB&M  
 40.0 ACRES IN SW $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SECTION 13, T38N, R7E, MDB&M  
 40.0 ACRES IN SE $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SECTION 13, T38N, R7E, MDB&M  
 38.0 ACRES IN NW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SECTION 7, T38N, R8E, MDB&M  
 37.0 ACRES IN SW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SECTION 7, T38N, R8E, MDB&M  
 37.0 ACRES IN SE $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SECTION 7, T38N, R8E, MDB&M  
 38.0 ACRES IN NW $\frac{1}{4}$  OF NW $\frac{1}{4}$  OF SECTION 18, T38N, R8E, MDB&M  
 30.0 ACRES IN NE $\frac{1}{4}$  OF NW $\frac{1}{4}$  OF SECTION 18, T38N, R8E, MDB&M  
 18.0 ACRES IN SE $\frac{1}{4}$  OF NW $\frac{1}{4}$  OF SECTION 18, T38N, R8E, MDB&M  
 38.0 ACRES IN SW $\frac{1}{4}$  OF NW $\frac{1}{4}$  OF SECTION 18, T38N, R8E, MDB&M

781.0 ACRES TOTAL

WITNESS my hand and the seal of the State Water Rights Board of the State  
 of California this 3rd day of September, 1963

*L. K. Hill*  
 L. K. Hill  
 Executive Officer



65

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 1300

PERMIT 1360

LICENSE 2302

ORDER ALLOWING CHANGE IN PURPOSE OF USE,  
POINT OF DIVERSION AND PLACE OF USE

WHEREAS:

1. License 2302 was issued to Andrew, Lester and Milton Babcock, and Homer C. Jack and was filed with the County Recorder of Lassen County on October 20, 1941.
2. An order allowing change in the place of use was granted on April 14, 1943.
3. License 2302 was subsequently assigned to Homer C. Jack, Oral Babcock, H. W. Killebrew and Richard Keene.
4. An order allowing change in points of diversion and place of use was granted on September 3, 1963 and has been recorded with the County Recorder of Lassen County on September 3, 1963, in Volume 182, Page 326.

NFLicense 2302 was subsequently assigned to Oral I. and Beverly Babcock, Wayne and Lynn Mulholland, Roger LaPant Jr. and Mary Jo LaPant, and James W. and Gloria M. NLaNier.

6. A petition to delete one of the points of diversion, and part of the place of use and to correct the description of another point of diversion and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
7. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:

Point of Diversion

1. Silva Flats Reservoir: South 1,300 feet and West 400 feet from Center of Section 10, T36N, R9E, MDB&M, being within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 10.

Points of Rediversion:

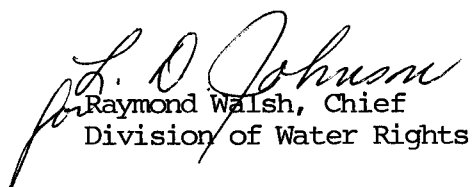
1. North 63° 18' East, 1,142 feet from W $\frac{1}{4}$  corner of Section 1, T37N, R8E, MDB&M, being within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 1.
2. South 72° East, 2,400 feet from NW corner of Section 27, T38N, R8E, MDB&M, being within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 27.

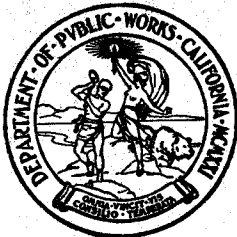
2. The place of use under this license shall be as follows:

40.0 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 24, T38N, R7E, MDB&M  
40.0 acres within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 24, T38N, R7E, MDB&M  
40.0 acres within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 24, T38N, R7E, MDB&M  
40.0 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 24, T38N, R7E, MDB&M  
40.0 acres within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 24, T38N, R7E, MDB&M  
40.0 acres within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 24, T38N, R7E, MDB&M  
40.0 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 24, T38N, R7E, MDB&M  
40.0 acres within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 24, T38N, R7E, MDB&M  
40.0 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M  
40.0 acres within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M  
40.0 acres within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M  
40.0 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M  
40.0 acres within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M  
40.0 acres within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M  
40.0 acres within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M  
40.0 acres within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M  
40.0 acres within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M  
40.0 acres within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M  
40.0 acres within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M  
40.0 acres within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 25, T38N, R7E, MDB&M

800.0 acres, total.

Dated: AUGUST 8 1985

  
Raymond Walsh, Chief  
Division of Water Rights



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 1300

PERMIT 1360

LICENSE 2302

ORDER ALLOWING CHANGE IN PLACE OF USE

Licensee having established to the satisfaction of the Division of Water Resources that the change in the place of use under Application 1300, Permit 1360, License 2302 for which petition was submitted on March 22, 1943 will not operate to the injury of any other legal user of water, the Division of Water Resources so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said Application 1300, Permit 1360, License 2302 to a place of use described as follows to-wit:

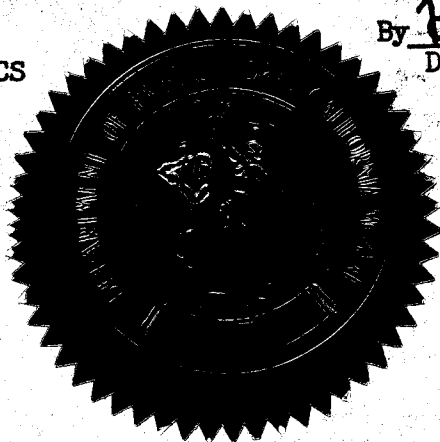
Lester Babcock - 320 acres in  $W\frac{1}{2}$  of Section 24  
Andrew Babcock - 160 acres in  $NE\frac{1}{4}$  of Section 24  
Milton Babcock - 160 acres in  $SE\frac{1}{4}$  of Section 24  
Homer C. Jack - 480 acres in  $N\frac{1}{2}$  &  $N\frac{1}{2}$  of  $S\frac{1}{2}$  of Section 25  
Total of 1120 acres in Sections 24 & 25, T 38 N, R 7 E, M.D.B. & M.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 14th day of April, 1943.

EDWARD HYATT, State Engineer

By Harold Conkling  
Deputy State Engineer

WEC:CS





UNITED STATES DEPARTMENT OF JUSTICE  
DIVISION OF INVESTIGATION  
OFFICE OF THE DIRECTOR

MEMORANDUM

TO: DIRECTOR

FROM: SAC, NEW YORK

SUBJECT: [Illegible]

The following information was received from [illegible] on [illegible] at [illegible].

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

Notice of Assignment (Over)

LICENSE 2902

PERMIT 1960

APPLICATION 1900

THIS IS TO CERTIFY, That **Andrew Lester and Milton Babcock and  
Homer G. Jack, Elmer, California**

have made proof to the satisfaction of the Division  
of Water Resources of California of a right to the use of the waters of **Juniper Creek in Lassen  
County,**

tributary of **Pit River**

for the purpose of **irrigation use**

under Permit **1960** of the Division of Water Resources and that said right to the use of said waters has  
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources  
and the terms of the said permit; that the priority of the right herein confirmed dates from

**May 29, 1919.**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed **three thousand six hundred  
(3600) acre-feet per annum** by storage to be collected from about January 1st to about May 15th,  
of each season.

The point of diversion to storage of such water is located South seven hundred fifty  
(750) feet and West two hundred seventy (270) feet from the center of Section 10, T. 30 N.,  
R. 9 E., M.D.B. & M., and being within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 10;

The point of re-diversion of stored waters from Dark Canyon Branch of Juniper Creek is  
located North Twenty-four degrees ten minutes West (N. 24° 10' W.) nineteen hundred (1900)  
feet from the South one-quarter corner of Section 30, T. 30 N., R. 8 E., M.D.B. & M., and being  
within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 30.

A description of the lands or the place where such water is put to beneficial use is as  
follows:

~~The point of diversion of such water is located~~

**Andrew Babcock**

20 acres within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24, T. 30 N., R. 7 E., M.D.B. & M.									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									

**Lester Babcock**

20 acres within " NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, " " " "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									

~~A description of the lands or the place where such water is put to beneficial use is as follows~~

**Arad Babcock**

20 acres within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23 " " " "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									

**Milton Babcock**

20 acres " " NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24 " " " "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									

**Homer G. Jack**

20 acres " " NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25 " " " "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									
10 "									

**390 acres total.**

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the Division of Water Resources in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from  
time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of  
diversion herein specified and to the lands or place of use herein described.



This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that at any time after the expiration of twenty years after the granting of a license, the state or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided*, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing*, further, that where permission to appropriate is granted by the state water commission to any municipality for other quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *providing*, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *provided*, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public

Works of the State of California, this 20th

day of September

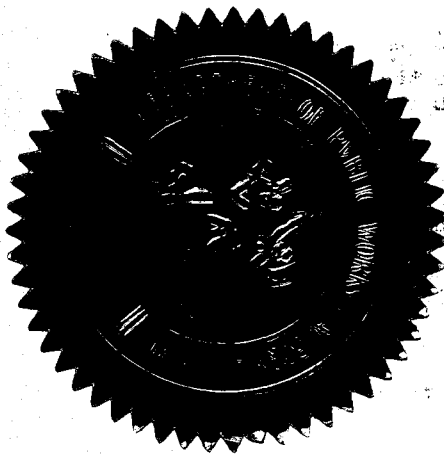
1943

EDWARD HYATT

State Engineer

By

Harold C. Cushing  
Deputy



3/16/43

RECEIVED NOTICE OF ASSIGNMENT TO

Partial of interest of Andrew  
Babcock to Lester Babcock

7/12/49

RECEIVED NOTICE OF ASSIGNMENT TO

to Homer C. Jack  
License now in names of Homer C. Jack  
Milton & Oral Babcock

6/8/50

10/24/50

RECEIVED NOTICE OF ASSIGNMENT TO

of int of Homer C. Jack to  
H. W. Killebrew

10/6/58

RECEIVED NOTICE OF ASSIGNMENT TO

of int of Milton Babcock to  
Richard Keene

11-19-62 Name chgd from Homer C. Jack to Est. of Homer C. Jack

11-19-62

RECEIVED NOTICE OF ASSIGNMENT TO

of Est of Homer C. Jack to  
H. W. Killebrew

LICENSE 2392

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE

TO APPROPRIATE WATER

ISSUED TO HOMER C. JACK, ET AL.

DATED

SEP. 20, 1943

97133 2-41 1100 STATE PRINTING OFFICE

20